

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID RUSSELL MYRLAND,)
Plaintiff,) CASE NO. C12-0126-JLR
v.)
UNITED STATES OF AMERICA, *et al.*,) REPORT AND RECOMMENDATION
Defendants.)
_____)

14 *Pro se* plaintiff David Russell Myrlan, a federal prisoner incarcerated in FCI
15 Sandstone, Minnesota, has filed a civil complaint that fails to describe what cause of action he
16 intends against which defendants and for what reasons. (Dkt. 4.) Pursuant to 28 U.S.C.
17 § 1915A(a), the Court is required to review as soon as practicable a complaint in a civil action
18 in which a prisoner, such as Mr. Myrlan, seeks redress from a governmental entity or officer or
19 employee of a governmental entity. The Court recommends **DISMISSING** this action for
20 frivolousness and for failure to state a claim upon which relief may be granted. 28 U.S.C.
21 § 1915A(b)(1).

Mr. Myrland's complaint may be most charitably described as incomprehensible

01 statements linked together by irrelevant citations to federal statutes. For example, although
02 defendants are the United States, perhaps the United States Attorney, and the “Sheriff’s
03 Department” in Seattle, Mr. Myrland repeatedly asserts a *qui tam* False Claims Act action on
04 behalf of the federal government based on defendants’ violation of an unspecified contract.
05 Thus, an illustrative paragraph is as follows:

06 FOR an ORIGINAL-CLAIMS of the FALSE-CLAIMS-ACT **ARE** with the
07 KNOWLEDGE of the LIABILITY-DAMAGE-CLAIM with the
08 FRAUDULENT-MON[E]TARY-GAINS of the FRAUDULENT-
09 CONTRACT-PAYMENT with the FRAUDULENT-GOVERNMENT-GUISE
10 with the FALSE-EQUITY-TRANSFER-CLAIM of the PAYMENT-OUT OR:
11 FINANCIAL-GAIN-IN OR with the PERFORMANCE-KNOWLEDGE, OR:
12 PERFOR[M]ANCE-CLAIM by the FRA[U]DULENT-SYNTAX-
13 GRAMMAR-DOCUMENTS OR: FRAUDULENT-SYNTAX-GRAMMAR-
14 STATEMENT by the CLAIMING-PERSON OR: with the CONTRACTING-
15 PERSONS-CONSPIRING by the ‘FALSE-CLAIMS-ACT’ OR with the
16 FRAUDULENT-CERTIFYING of the TYPE, KIND, OR: AMOUNT with the
17 EQUITY [PROPERTY] of the CONTRACT with the CERTIFYING-PARSE-
18 SYNTAX-GRAMMAR-CONTRACT-FRAUD-KNOWLEDGE by the
19 POSTAL-AUTHORITY-GOVERNMENT.

20 (Dkt. 4, at 6.) Similarly, Mr. Myrland alleges a violation of the Clayton Antitrust Act but does
21 not specify who did what improper conduct and why he has standing to pursue such a claim.
22 (Id. at 1.) In sum, Mr. Myrland not only fails to provide a Federal Rule of Civil Procedure
23 Rule 8 short-and-plain statement of a non-frivolous claim, he presents pages of run-on
24 sentences and typographical anomalies that are detached from factual circumstances and are
25 excruciating to read.

26 The Court finds that it would be futile to provide Mr. Myrland with an opportunity to
27 amend his complaint because if this complaint became comprehensible it would be an entirely
28 different cause of action. *See Lucas v. Dep’t of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995)

01 ("Unless it is absolutely clear that no amendment can cure the defect . . . a pro se litigant is
02 entitled to notice of the complaint's deficiencies and an opportunity to amend prior to dismissal
03 of the action."). This matter should be dismissed without prejudice. A proposed order is
04 attached.

05 DATED this 6th day of March, 2012.

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08 Mary Alice Theiler
United States Magistrate Judge
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